IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 25074 of 2003

Between:

Shaik Dastagir, s/o Shaik peer Mohammed
E.No.305240 (under suspension), H.no.5-4-72, Bagh Banda Bazar,

Khammam District.

... PETITIONER

AND

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Khammam, Khammam District.
3 The Depot Manager, APSRTC, Khammam, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ preferably in the nature of writ of mandamus declaring the impugned "show cause notice for removal from service" in proceedings No.E1/498 (1)/2003-KMM dated 17-11-2003 of the 3rd respondent is highly illegal, arbitrary violative of principles of natural justice and without application of mind apart from violative of Articles 14, 16 and 21 of the Constitution of India and contrary to law and set aside the same.

Counsel for the Petitioner: MR.ASADULLA SHAREEF

Counsel for the Respondent No.: SMT.G.JYOTHI KIRAN

The Court made the following Order:

ORDER:

This Writ Petition filed questioning the show cause notice issued for the removal of the services of the petitioner vide proceedings of the third respondent dated 17-11-2003.

2. Counter affidavit has been filed by the respondents stating that the petitioner involved in moral turpitude for which disciplinary action was initiated against him and chargesheet was also issued to him duly framing as many as four charges. Petitioner also submitted explanation to the chargesheet and thereafter a regular enquiry was conducted. In pursuant to the enquiry report, show cause notice dated 17-11-2003 was issued calling upon the petitioner to show cause why he should not be removed from service by notice dated 17-11-2003, and after considering the explanation of the petitioner, he was removed from service with effect from 10-12-2003.

3. As against the said final orders passed by the Deputy Manager, A.P.S.R.T.C in proceedings dated 10-12-2003; the petitioner has got an alternative remedy to prefer an appeal to the Divisional Manager within two months. In view of the said alternative remedy available to the petitioner, I am of the view that this Writ Petition cannot be entertained.

4. The Writ Petition is accordingly dismissed with liberty to the petitioner to avail an alternative remedy by way of filing an appeal against the final order of removal. No costs.

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(V. ESWARAIAH, J)

July 21, 2004

MRR

Copy to:

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Khammam, Khammam District.
3 The Depot Manager, APSRTC, Khammam, Khammam District.

4 Two C.D. Copies.